

REMARKS

With entry of the current amendment, claims 43-46 have been added and claim 41 and 42 have been cancelled. Please cancel claims 41 and 42 without prejudice to revival for subsequent prosecution in a divisional application. Claims 1-18 were previously cancelled. Accordingly, claims 18-40 and 43-46 are pending in the application.

The new claims add no new matter and are supported throughout the application. Support for claims 43-46 can be found, *e.g.*, on page 3, lines 11-12 (claim 43); page 3, lines 15-16 (claim 44); page 3, lines 19-22 (claim 45); and page 3, line 32 to page 4, line 1 (claim 46).

In response to the restriction requirement, Applicants elect Group III, claims 21-30, and new claims 43-46, drawn to a method of monitoring the amount of modified β -tubulin isotype. The election is made with traverse. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at § 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that examination of the claims in Groups II-V would not create an undue burden and respectfully request withdrawal of the restriction election requirement.

The Examiner also requested that Applicants review the specification to ensure sequence rule compliance (section 1 of Office Action). In view of the Preliminary Amendment filed with the application to include sequence identifiers, Applicants believe that the specification is compliant. With regard to claim 38, it is not in the elected Group. Applicants will amend the claim appropriately should Group V be rejoined for examination.

Appl. No. 09/934,025

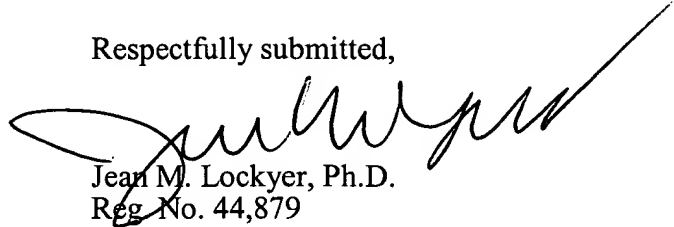
PATENT

Amdt. dated October 27, 2003

Reply to Office Action of September 26, 2003

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jean M. Lockyer', is written over the typed name and registration number.

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